

MEETING 20- April 1

At a Joint Meeting of the Madison County Board of Supervisors and the Madison County Planning Commission on April 1, 2015 at 7:00 p.m. in the Administrative Center Auditorium located at 414 N. Main Street:

PRESENT: Doris G. Lackey, Chair
R. Clay Jackson, Vice-Chair
Jonathon Weakley, Member
Kevin McGhee, Member
V. R. Shackelford, III, County Attorney
Ernest C. Hoch, County Administrator
Betty Grayson, Zoning Administrator

ABSENT: **Robert W. Campbell, Member**

Planning Commission:

1. Call to Order

Carlton Yowell, Commission Chair, called tonight's meeting to order.

2. Pledge of Allegiance & Moment of Silence

The Board of Supervisors and the Madison County Planning Commission commenced the meeting with the Pledge of Allegiance and a moment of silence.

3. Determine Presence of a Quorum

Mr. Yowell, Commission Chair, noted a Quorum was present.

4. Approval of Minutes

The minutes of the March 4, 2015 joint meeting were approved as presented.

5. Action Items:

Mr. Yowell provided an overview of tonight's meeting process; representatives were asked to approach the podium to provide their name and any information pertinent to tonight's case; questions will be entertained by the Commission members, the public, and then recommended onto the Madison County Board of Supervisors either for approval or tabling. In closing, he asked that applicants remain for the Madison County Board of Supervisor's portion of tonight's meeting.

- a. **Case No. S-04-15-01:** Request by Marvin J. & Sue F. Tucker for a plat of a subdivision of land to create one (1) lot with residue on Route 616 (Locust Grove Church Road) near Good Hope, zoned A-1 (64-113). The final plat has been approved by the Madison Health Department and VDOT.

Mr. Tucker was present to answer any questions pertaining to tonight's request.

After discussion, the Madison County Planning Commission recommended that the Madison County Board of Supervisors approve Case No. S-04-15-01 as presented.

- b. **Review of Draft Ordinance:** Section 19-3 – Violations & penalties Change
 - i. Recommend that the Board of Supervisors Advertise for a Public Hearing, May 6, 2015

The County Attorney advised that during the last Commission workshop, there was discussion about establishing a time frame to discuss the second amendment to the zoning ordinance pertaining to the 'enforcement' paragraphs.

Mr. Yowell referred to the fact the Commission members were provided with a draft containing proposed revisions to ordinance violations.

Lloyd Williams, Commission member, questioned what would transpire should an appeal be denied by the Board of Zoning

Appeals Board, and also what would be considered a reasonable time frame in the event that a violation is noted by the Zoning Administrator.

The County Attorney advised if an issue is brought before the Board of Zoning Appeals Board, the Code of Virginia requirements are followed, and the issue is passed along to the Circuit Court, and not a matter that would be subject to the requirements noted in a local ordinance. He also advised the time frame involved is thirty (30) days, followed by a number of days to be allowed in order to fix any violations.

After discussion, it was the consensus of the Madison County Planning Commission to present a draft on proposed violations/penalties onto the Madison County Board of Supervisors for review.

After discussion, it was the consensus of the Commission to schedule a public hearing on the proposed VRS changes (to the Zoning Ordinance) at the May Joint Meeting.

After discussion, the Commission motioned to temporarily suspend their portion of tonight's meeting.

6. Public Hearing:

Mr. Yowell, Chair, reconvened the Commissions' portion of tonight's meeting.

Mr. Yowell explained the public hearing process on the proposed change to the Zoning Ordinances for properties that are already zoned B-1, and there will also be discussion on the proposed change to Article 20-64 of the County's Zoning Ordinance.

Phil Brockman, Commission member, proceeded to provide a brief summary of the changes being proposed for properties located in a B-1 zone, and on the proposed changes to Article 20-64 of the County's Zoning Ordinance.

Lloyd Williams, Commission member, added that the changes to B-1 zones will allow more flexibility for those businesses already zoned as B-1.

Mr. Yowell opened the floor for public comment.

With no public comments being brought forth, the floor of the public hearing was closed.

After discussion, the Madison County Planning Commission recommended that the Madison County Board of Supervisors approval of the proposed amendment to the changes multiple families in a B-1 zone and Article 20-64 as presented.

Mr. Yowell reminded the Commission of the upcoming workshop scheduled for April 15, 2015 at 7:00 p.m.

7. Adjournment

With no further action being required, Mr. Yowell, Chair, adjourned the Madison County Planning Commission's portion of tonight's meeting.

Board of Supervisors

1. Call to Order

Chairman Lackey called the Madison County Board of Supervisor's portion of tonight's meeting to order.

2. Determine Presence of a Quorum

Chairman Lackey advised a quorum was present.

3. Adoption of Agenda

Supervisor Jackson moved the Agenda be approved as amended, seconded by Supervisor Weakley.

Ayes: Lackey, Jackson, Weakley, McGhee. Absent: Campbell. Nays: (0).

4. Action Items:

a. Case No. S-04-15-01: Request by Marvin J. & Sue F. Tucker.....

Supervisor Weakley moved that Case No. S-04-15-01 be approved as recommended by the Madison County Planning Commission, seconded by Supervisor Jackson. *Ayes: Lackey, Jackson, Weakley, McGhee. Absent: Campbell. Nays: (0).*

b. Review/Approve Bid for Visitor's Center

The County Administrator provided copies of the bid documents for the project; a brief overview of the proposed plan was provided for information (i.e. removal of walls, installation of new lighting, shelving, new ceiling, etc.); if approved, the schedule

work will be done before the onset of the spring tourism season (within the next thirty [30] days); the work schedule will be in accordance with the schedule outline that was advertised (i.e. to start within fifteen [15] days being awarded and to be complete within fifteen [15] days).

Supervisor McGhee moved the Board approve the bid from Weaver Works, Inc., (for \$19,700.00) as presented, seconded by Supervisor Jackson. *Ayes: Lackey, Jackson, Weakley, McGhee. Absent: Campbell. Nays: (0).*

c. Advertise for a Public Hearing May 6, 2015:

The County Attorney asked if the Board was in agreement with scheduling a public hearing on May 6, 2015 in regards to enforcement of the enforcement revisions (to the Zoning Ordinance); the meeting will need to be properly advertised for the public.

After discussion, it was the consensus of the Board to advertise the VRS revisions for the zoning ordinance.

The County Attorney suggested the public hearing be turned over to Mr. Yowell, Commission Chair, to proceed with discussion on the public hearing.

5. Public Hearing:

Planning Commission

a. Ordinance #2015-2 [Amend Zoning Ordinance Article 8 – General B-1]

Chairman Lackey thanked the Commission for their work on the proposed changes as presented.

There were concerns that the proposed changes to the B-1 zones didn't include apartment houses.

The County Attorney explained the discrepancy in excluding an 'apartment house' was an oversight at the time of the advertisement; tonight's inclusion effectively took care of this matter.

Chairman Lackey questioned if the proposed changes in B-1 zones would affect future businesses.

The County Attorney explained that tonight's proposal will also cover any future businesses and not just those already in place. In closing, he noted there are times that the wording in the 'uses' of the Zoning Ordinance don't precisely match the applicant and is sometimes criticized. It's felt that the format of having 'uses' is more favorable and provides more structure and is more fluid in providing categories.

On motion of Supervisor Jackson, the Madison County Board of Supervisor approved Ordinance #2015-2 [Ordinance to amend the Madison County Zoning Ordinance [B-1 & Article 20-64] as recommended by the Madison County Planning Commission, seconded by Supervisor McGhee, with the following vote recorded: *Ayes: Lackey, Jackson, Weakley, McGhee. Absent: Campbell. Nays: (0).*

Dominion Power:

The County Administrator announced the upcoming public information hearing on the proposed power line (Dominion Power & First Energy) scheduled for Thursday, April 2, 2015 at the high school auditorium beginning at 5:00 p.m. to 8:00 p.m. Specifics of the project will involve:

- The area of Pratts
- A 230kv line being put into place at Pratts
- A new sub-station in the area (three to five acres will need to be acquired)
- The line will run from Pratts to Gordonsville
- About 200 landowners in the County have been notified of the proposal

It was also noted that an additional meeting has been scheduled to be held in Culpeper County on April 15, 2015 from 5:00 p.m. to 8:00 p.m. at the Eastern View High School campus.

Due to the nature of the proposed project, it's anticipated that the process will not have as much of an impact on Culpeper County. It was also noted the County could possibly call for an additional meeting could be requested if necessary.

5. Information/Correspondence (if any)

b. Closed Session (2.2-3711 (A)(29) [contract negotiations]

i. Closed Session: On motion of Supervisor Jackson, seconded by Supervisor Weakley, the Board moved to convene in a closed session, pursuant to Virginia Code Section 2.2-3711(A)(29) pertaining to discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an

open session would adversely affect the bargaining position or negotiating strategy of the public body, with the following vote recorded:
Ayes: Lackey, Jackson, Weakley, McGhee. Absent: Campbell. Nays: (0).

ii. Motion to Reconvene in Open Session:

On motion of Supervisor Jackson, seconded by Supervisor Weakley, the Board reconvened in open session, with the following vote recorded: *Ayes: Lackey, Jackson, Weakley, McGhee. Absent: Campbell. Nays: (0).*

iii. Motion to Certify Compliance:

On motion of Supervisor Jackson, seconded by Supervisor Weakley, the Board certified by roll-call vote that only matters lawfully exempted from open meeting requirements pursuant to Virginia Code 2.2-3711(A)(29), and only matters that were identified in the motion to convene in a closed session were heard, discussed or considered in the closed meeting, with the following vote recorded: *Ayes: Lackey, Jackson, Weakley, McGhee. Absent: Campbell. Nays: (0).*

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

***Action as the result of a closed session:**

Supervisor McGhee, moved that the Madison County Board of Supervisors vote to:

- ✓ *Employ Waters & Company, Inc. to perform an executive search for a new County Administrator and authorize the signing of an agreement with Waters & Company, Inc. after the agreement has been reviewed by the County Administrator and County Attorney*
- ✓ *Authorize Waters & Company, Inc. to promptly commence the advertisement for a new Madison County Administrator*
- ✓ *Authorize the execution of the contract tomorrow for the Board's Vice-Chair to sign the contract*

Ayes Lackey, Jackson, Weakley, McGhee. Absent: Campbell. Nays: (0).

6. Information/Correspondence - None.

7. Adjournment

With no further action being required, on motion of Supervisor Jackson, seconded by Supervisor McGhee, Chairman Lackey adjourned the meeting. *Ayes: Lackey, Jackson, Weakley, McGhee. Absent: Campbell. Nays: (0).*

Doris G. Lackey, Chairman
Madison County Board of Supervisors

Clerk of the Board of the Madison County Board of Supervisors

Adopted on: May 12, 2015

Copies: Doris G. Lackey, R. Clay Jackson, Jonathon Weakley, Robert Campbell, Kevin McGhee
V. R. Shackelford, III, Constitutional Officers



Agenda
Joint Meeting
Madison County Board of Supervisors
Wednesday, April 1, 2015 at 7:00 p.m.
County Administration Building, Auditorium
414 N Main Street, Madison, Virginia 22727



Planning Commission

1. Call to Order
2. *Pledge of Allegiance & Moment of Silence*
3. Determine Presence of a Quorum
4. Approval of Minutes
5. Action Items:
 - a. Case No. S-04-15-01: Request by Marvin J. & Sue F. Tucker for a plat of a subdivision of land to create one (1) lot with residue on Route 616 (Locust Grove Church Road) near Good Hope, zoned A-1.
6. Adjournment
- 7.

Board of Supervisors

1. Call to Order
2. Determine Presence of a Quorum
3. Adoption of Agenda
4. Action Items:
 - a. Case No. S-04-15-1: Request by Marvin J. & Sue F. Tucker
 - b. Review/Approve Bid for Visitor's Center
5. Public Hearing:
 - a. Ordinance #2015-2 [Amend Zoning Ordinance Article 8 – General B-1
 - b. Closed Session (2.2-3711 (A)(29) [contract negotiations] & 2.2-3711(A)(1) [search for County Administrator])
6. Information/Correspondence (if any)
7. Adjournment